

REMARKS

Claims in the case are 1, 2, 4-24, 26 and 27, upon entry of this amendment. Claims 1, 2, 5, 12, 14, 19, 23 and 24 have been amended, Claims 26 and 27 have been added, and Claims 3 and 25 have been cancelled herein.

Basis for added Claims 26 and 27 is found: in original Claims 1, 2 and 19; at page 6, lines 7-13 of the specification; and at page 23, lines 15-18 of the specification.

Claim 1 has been amended herein to include the following recitation in component (C): --1 to 3 %, relative to the weight of the composition, of--. Claim 2 has been amended to replace "0.4 to 7" with --1.5 to 2.5--. Basis for these amendments to Claims 1 and 2 are found at page 16, lines 7-13 of the specification.

Claims 5, 14, 22 and 23 stand rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Claims 5 and 14 have been amended as suggested by the Examiner to replace "contains" with --comprises--, and "containing" with --comprising--. Similar amendments have also been made to Claims 12 and 19 herein. In addition, Claim 12 has been further amended to remove the "and/or" recitation.

Claim 23 has been amended to state that the additional polymeric layer is bonded directly to the second layer of the composite. Basis for this amendment to Claim 23 is found in original Claim 25 (which has been accordingly cancelled herein), and at page 32, lines 8-12 of the specification.

Regarding Claim 22, Applicants respectfully contend that the term "solid" used therein would not be deemed vague and/or indefinite by a skilled artisan, particularly in light of the specification. The term "solid" is used in Claim 22 to differentiate the solid polyurethane second layer from the polyurethane foam second layer of Claim 21. Attention is directed to the specification, in which layer 2 is described as being either a polyurethane foam or a solid polyurethane layer (page 23, lines 20-21), or in the form of a foam or a massive state, such as a lacquer or coating (page 28, lines 16-17). When interpreted in light of the specification, the term "solid" of Claim 22 would be deemed by a skilled artisan as clearly describing the polyurethane layer as being a non-foamed (or un-foamed) polyurethane layer.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to particularly point out and distinctly claim the subject matter which they regard as their invention. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,910,538 (**Padwa et al**). This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Padwa et al discloses a thermoplastic molding composition that includes an aromatic polycarbonate resin (A), a vinyl copolymer (B), a graft polymer (C) and a compatibilizer (D) (column 1, line 32 through column 2, line 29). The vinyl copolymer (B) is disclosed by Padwa et al as being present in the composition in an amount of 4.5 to 70 pbw, 5 to 60 pbw or 10 to 50 pbw (column 1, lines 50-51). Padwa et al does not disclose the polycarbonate composition of Applicants' present claims, which includes 1 to 3 percent by weight of (C) a copolymer of styrene and at least one monomer containing at least one carboxyl group, the copolymer having a weight average molecular weight, M_w , equal to or greater than 10,500 g/mol.

In light of the preceding remarks, Applicants' claims are deemed to be unanticipated by and patentable over Padwa et al. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 19-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,296,908 B1 (**Reihs et al**) in view of Padwa et al. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Reihs et al disclose a composite material that includes at least one composite layer of a specific polyurethane, and a second composite layer bonded to the polyurethane layer of a thermoplastic material, such as polycarbonate (abstract, and column 7, lines 6-15).

Padwa et al has been discussed previously herein. Reihs et al and Padwa et al, either alone or in combination, do not disclose, teach or suggest the multi-layered composite of Applicants' present claims which includes a polycarbonate composition containing 1 to 3 percent by weight of (C) a copolymer of styrene and at least one monomer containing at least one carboxyl group, the copolymer having a weight

average molecular weight, Mw, equal to or greater than 10,500 g/mol. As such, even if Reihs et al and Padwa et al were combined as suggested in the Office Action of 9 July 2003, Applicants' presently claimed multi-layered composite would not result from such a combination.

Further, Neither Reihs et al nor Padwa et al disclose, teach or suggest the exceptional inter-layer adhesive properties of the multi-layered composites of Applicants' claims. Attention is directed to the examples at pages 35-38 of Applicants' specification, which demonstrate the greatly improved adhesion between the polycarbonate and polyurethane layers that results when the polycarbonate layer contains 2 percent by weight of a styrene / maleic anhydride copolymer. See example 1, Table 1, page 36; and Table 2, page 37 of Applicants' specification. As such, neither Reihs et al nor Padwa et al provide the requisite motivation that would lead one of ordinary skill in the art to combine or otherwise modify their respective disclosures.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unobvious and patentable over Reihs et al in view of Padwa et al. Reconsideration and withdrawal of this rejection is respectfully requested.

In the paragraph bridging pages 5 and 6 of the Office Action of 9 July 2003, reference is made to JP 07-268207 (**Masuda**) with regard to Claims 23-25. However, Masuda is not cited in the Office Action as or as part of a rejection.

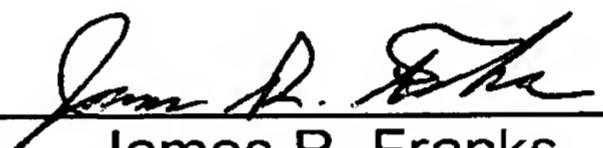
Masuda discloses a laminate of a polyurthane layer and a polyvinylchloride layer which is used as an automotive interior material (English language abstract). Masuda does not disclose a laminate that includes a polycarbonate layer. Masuda does not disclose or suggest the presence of a polycarbonate layer that includes 1 to 3 percent by weight of (C) a copolymer of styrene and at least one monomer containing at least one carboxyl group, the copolymer having a weight average molecular weight, Mw, equal to or greater than 10,500 g/mol.

Reihs et al and Padwa et al have been discussed previously herein. Reihs et al, Padwa et al and Masuda, either alone or in combination do not disclose, teach or suggest the multi-layered composite of Applicants' present claims which includes a polycarbonate layer that contains 1 to 3 percent by weight of (C) a

copolymer of styrene and at least one monomer containing at least one carboxyl group, the copolymer having a weight average molecular weight, Mw, equal to or greater than 10,500 g/mol.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to meet all the requirements of 35 U.S.C. §112, and to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

By 
James R. Franks
Agent for Applicants
Reg. No. 42,552

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3808
FACSIMILE PHONE NUMBER:
(412) 777-3902
s/rmc/jrf/0178